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FORT LAUDERDALE CITY COMMISSION
OCTOBER 17, 2000**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
OCTOBER 17, 2000**

Meeting was called to order at 6:20 P.M. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present: Commissioner Gloria F. Katz
Commissioner Carlton B. Moore (6:22)
Commissioner Cindi Hutchinson
Commissioner Tim Smith
Mayor Jim Naugle

Absent: None

Also Present:

City Manager	F. T. Johnson
City Attorney	Dennis E. Lyles
City Clerk	Lucy Masliah
Sergeant at Arms	Sergeant Spencer

Invocation was offered by Pastor Doug Rasku, Calvary Chapel of Fort Lauderdale.

Pledge of Allegiance to the Flag.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson that the agenda and minutes of the meetings as shown below be approved:

September 6, 2000

October 3, 2000

Roll call showed: YEAS: Commissioners Katz, Smith, Hutchinson, and Mayor Naugle. NAYS: none.

NOTE: All items were presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).

At 6:22 P.M., Commissioner Moore arrived at the meeting.

Presentations (OB)

1. Expressions of Sympathy

Mayor Naugle presented an Expression of Sympathy, on behalf of the City Commission, to the families of *Mr. Lewis A. "Lex" Hester, Ms. Juanita Phillips, and Master Roderick Wright.*

2. Las Olas Municipal Marina

The Honorable *Mayor John Fiore*, of the Broward County Marine Advisory Committee (BCMAC), and *County Commissioner John Rodstrom* presented the Mayor and City Commissioners a check in the amount of \$795,000 from the Broward County Boating Improvement Program for the Las Olas Municipal Marina. Commissioner Rodstrom said this was another example of an outstanding cooperative project between the City and the County. Mayor Naugle expressed appreciation on behalf of the City Commission.

Commissioner Rodstrom noted that Fort Lauderdale was active in the League of Cities, and he hoped to see all the Commissioners participating in all of the meetings and committees. He advised there were a lot of important issues coming up.

3. Dredging – North Fork New River

The Honorable Commissioner *Larry Locker*, Broward County Florida Inland Navigation District, presented the Mayor and City Commissioners a check in the amount of \$383,626.54 for dredging of the North Fork New River. Mr. Locker stated that this was a \$1 million project, and the District had contributed a total of \$750,000 and, since this cooperative program had been in existence, there had been \$16 million worth of projects done to improve the Intracoastal and surrounding waterways. He pointed out that the Intracoastal Waterway was a tremendous natural resource. Mayor Naugle expressed appreciation on behalf of the City Commission. He felt dredging was very important to economic development.

4. Annual Paul Urschaltz Award

Mayor Naugle introduced *Ms. Pat Mayers*, Citizens Crime Alert, who presented the Annual Paul Urschaltz Award. *Mr. Paul Urschaltz* was also present for the occasion. Ms. Mayers invited everyone to join the Citizens Crime Alert on the first Monday evening of each month to hear about subjects that were good for every neighborhood. She advised this was the second Annual Paul Urschaltz Award, which was given to an officer for excellence in community policing, an initiative implemented in Fort Lauderdale by Paul Urschaltz. Ms. Mayers stated that the goal was to find long-term solutions to neighborhood problems. Retired Captain Urschaltz said he had postponed a trip to Hong Kong to be here today.

Captain Urschaltz related an incident he had observed on the beach about 4 years ago. A gang fight had broken out, and the first officer on the scene was *Officer Jon Appel*, who was new to the Police Department at that time. He reported that Officer Appel had subsequently gotten a drug sniffing dog named Sonya, and he was one of the original officers who had become involved in Community Policing. Captain Urschaltz presented Officer Appel with the Award, and Ms. Mayers presented an award to the Police Chief for display in the main police station. The Police Chief expressed appreciation on behalf of the Police Department.

Commissioner Smith reported that one of the Community Policing Officers, Mike DiMaggio, had a son who had been diagnosed with leukemia this past year. His son was doing better now, but several of the Community Policing Team members had decided to run in a marathon to benefit leukemia research.

5. Community Appearance Board's WOW Award

Commissioner Katz presented the Community Appearance Board's WOW Award for District I to:

Rick and Patricia Gomez
2441 Northeast 26th Terrace, Coral Ridge

She displayed a photograph of the Gomez home and pointed out the new landscaping and paint that had done so much to make this home an asset to the neighborhood and to the City. They had only owned the home for 9 months, and Commissioner Katz also presented Mr. and Mrs. Gomez with a gift certificate from Causeway Lumber, the sponsor of the WOW Award Program. Mr. Gomez expressed his appreciation for this honor.

6. Commendation – Thomas L. Tapp, Director of Parks & Recreation

Commissioner Moore presented a Commendation to *Mr. Thomas L. Tapp*, Director of Parks and Recreation, for his years of service to the City. Mr. Tapp had been the Director of the Department since 1982, and he had led the charge for the 1996 Parks Improvement Bond Issue. Commissioner Moore described some of the improvements to the parks system during Mr. Tapp's tenure, and he listed some of the awards the Department had received during that time. He stated that this Commendation was being issued on the occasion of Mr. Tapp's retirement after 18 years of dedicated service.

Mr. Tapp said this was an honor, and he was flattered. He stated that the past 18 years of service to Fort Lauderdale had been a labor of love, and he planned to enjoy the hospitality of this community during his retirement. Mr. Tapp introduced his wife, Linda, to whom he had been married for 35 years. He said that after 31 years of working in the recreation field, it was time for them to take a break, but he wanted to thank all the members of the Parks & Recreation Department. Mr. Tapp stated his philosophy had always been to surround himself with the best people and let them do their jobs, and he had enjoyed great support from the other City departments as well. He also pointed out that this and past City Commissions had known the value of good recreational facilities in any community, and they had always been very supportive. Mr. Tapp wanted to thank the citizens as well for supporting the recreation bond issues and programming over the years, and he said he had enjoyed a tremendously rewarding career.

Mrs. Tapp recalled that she had been hesitant to leave Michigan to come to Fort Lauderdale, and it had been a great challenge. She stated that there were 4 generations of Tapps in this community, and they were overwhelmed by the expressions of gratitude and tribute to Tom. Mrs. Tapp wanted to express her appreciation for the outpouring of affection they had enjoyed over the past month, and she stated her family was so grateful for their lives in Fort Lauderdale.

7. Florida Neighborhood Conference

Commissioner Hutchinson provided some souvenirs from the Florida Neighborhood Conference. The Conference had been held last week, and 900 people had attended from across Florida, Connecticut, Texas and Honolulu. There had been a few glitches, but she felt it had been very successful, and everyone had a good time. Commissioner Hutchinson thanked staff for all their hard work, and she thanked the Commission for its generosity in support of the Conference.

8. Fort Lauderdale International Film Festival

Commissioner Katz presented Mayor Naugle with a plaque on behalf of the Fort Lauderdale Film Festival honoring the City as a "Silver Sponsor." She advised that this was the 15th year of the Festival, which began on October 16, 2000. Commissioner Katz recalled when the Film Festival had first started, and it had grown tremendously since that time. Mayor Naugle noted that there had been a newspaper insert about the Film Festival published this weekend, and it indicated this was the longest-running film festival in the world.

CONSENT AGENDA (CA)

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item. Observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require detailed review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

Event Agreement – Halloween Scream(M-1)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **Bonnet House** to indemnify, protect, and hold harmless the City from any liability in connection with **Halloween Scream** to be held **Saturday, October 28, 2000 from 8:00 p.m. to 11:00 p.m.** at Bonnet House.

Recommend: Motion to approve.

Exhibit: Memo No. 00-1518 from City Manager.

Event Agreement – Hallelujah Night (M-2)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **Calvary Chapel Church** to indemnify, protect, and hold harmless the City from any liability in connection with **Hallelujah Night** to be held **Tuesday, October 31, 2000 from 6:30 p.m. to 10:00 p.m.** on Church property located at 6401 Cypress Creek Road; and further authorizing the closing of N.W. 64 Street from N.W. 15 Avenue to N.W. 21 Avenue from 5:30 p.m. to 11:00 p.m.

Recommend: Motion to approve.

Exhibit: Memo No. 00-1513 from City Manager.

**Event Agreement – Fort Lauderdale Historical Society’s
Fusion Art Event, “Combining Today’s Art with Fort Lauderdale History” (M-3)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Fort Lauderdale Historical Society** to indemnify, protect, and hold harmless the City from any liability in connection with the **Fusion Art Event, “Combining Today’s Art with Fort Lauderdale History”** to be held **Friday, November 10, 2000 from 6:00 p.m. to 11:00 p.m.** at the New River Inn and Riverwalk. (Also see Item M-27 on this Agenda)

Recommend: Motion to approve.

Exhibit: Memo No. 00-1502 from City Manager.

Event Agreement – Florida Beach Volleyball Tournament (M-4)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **USA Volleyball** to indemnify, protect, and hold harmless the City from any liability in connection with the **Florida Beach Volleyball Tour** to be held **Saturday and Sunday, November 11 and 12, 2000, from 9:00 a.m. to 6:00 p.m.** at Fort Lauderdale South Beach.

Recommend: Motion to approve.

Exhibit: Memo No. 00-1512 from City Manager.

Event Agreement – Fort Lauderdale Billfish Tournament (M-5)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Fort Lauderdale Billfish Tournament** to indemnify, protect, and hold harmless the City from any liability in connection with the **Fort Lauderdale Billfish Tournament** to be held **Wednesday, November 15, 2000 from 5:00 p.m. to 10:00 p.m.;** **Friday and Saturday, November 17 and 18, 2000 from 6:00 a.m. to 7:00 p.m.;** and **Sunday, November 19, 2000 from 6:00 a.m. to 2:00 p.m.**

Recommend: Motion to approve.

Exhibit: Memo No. 00-1501 from City Manager.

**Agreement –
School Board of Broward County – Use of Bass Park Pool (M-6)**

A motion authorizing the proper City officials to execute an agreement with the School Board of Broward County for the use of Bass Park Pool.

Recommend: Motion to approve.

Exhibit: Memo No. 00-1499 from City Manager.

**Agreement – Jack Nelson –
Coaching Services for the Fort Lauderdale Swim Team(M-7)**

A motion authorizing the proper City officials to execute an agreement with Jack Nelson for consulting, coordinating and coaching services for the Fort Lauderdale Swim Team at the International Swimming Hall of Fame (ISHOF) pool complex.

Recommend: Motion to approve.

Exhibit: Memo No. 00-1522 from City Manager.

**Amendment to Nonprofit Acquisition and
Improvement Loan (NAIL) – 100 Black Men of Broward County(M-8)**

A motion authorizing an amendment to the NAIL approved May 2, 2000 with the 100 Black Men of Broward County in order to allow the purchase of property located at 736-738 N.E. 3 Avenue instead of the original property proposed at 610-614 North Andrews Avenue.

Recommend: Withdrawn

**Dockage Lease Agreement – Marine Hospitality, Inc.
(d/b/a Anticipation Yacht Charters) – Dockage on New River(M-9)**

A motion authorizing the proper City officials to execute a lease agreement with Marine Hospitality, Inc. (d/b/a Anticipation Yacht Charters) for dockage on the New River (Slip Nos. 55, 56, 57 and 58); and further authorizing Marine Hospitality, Inc. to conduct day and evening charter tour operations. The term for such agreement shall be January 1, 2001 through September 30, 2001.

Recommend: Motion to approve.

Exhibit: Memo No. 00-1509 from City Manager.

**Dockage Lease Agreement – Winston Knauss
(d/b/a Sir Winston Luxury Yachts) – Dockage on New River (M-10)**

A motion authorizing the proper City officials to execute a lease agreement with Winston Knauss (d/b/a Sir Winston Luxury Yachts) for dockage on the New River (Slip Nos. 77 and 78); and further authorizing Winston Knauss to conduct day and evening charter tour operations. The term for such agreement shall be January 1, 2001 through September 30, 2001.

Recommend: Motion to approve.

Exhibit: Memo No. 00-1508 from City Manager.

Dockage Lease Agreement – Harbor Tours, Inc. – Dockage on New River (M-11)

A motion authorizing the proper City officials to execute a lease agreement with Harbor Tours, Inc. for dockage on the New River (Slip Nos. 75, 76, 82, 83 and 84); and further authorizing Harbor Tours, Inc. to conduct day and evening sightseeing and charter tour operations. The term for such agreement shall be November 1, 2000 through September 30, 2001.

Recommend: Motion to approve.

Exhibit: Memo No. 00-1506 from City Manager.

Dockage Lease Agreement – Carfi Enterprises, Inc. – Dockage on New River (M-12)

A motion authorizing the proper City officials to execute a lease agreement with Carfi Enterprises, Inc. for dockage on the New River (Slip Nos. 40, 41, 42, 80 and 81); and further authorizing Carfi Enterprises, Inc. to conduct day and evening sightseeing and charter tour operations. The term for such agreement shall be November 1, 2000 through September 30, 2001.

Recommend: Motion to approve.

Exhibit: Memo No. 00-1507 from City Manager.

Concession Agreement – City County Credit Union - Automatic Teller Machine (ATM) at the Police Department (M-13)

A motion authorizing the proper City officials to execute a concession agreement with the City County Credit Union to install an ATM in the Police Department lobby.

Recommend: Motion to approve.

Exhibit: Memo No. 00-1319 from City Manager.

Appropriation of Accrued Interest – Sunshine State Governmental Finance Loan - Police and Fire Technology Plan (M-14)

A motion authorizing the appropriation of \$210,000 in accrued interest from the Sunshine State Governmental Financing Loan for the Police and Fire Technology Plan.

Funds: See Memo

Recommend: Withdrawn

**Contract Award – Weekley Asphalt Paving, Inc. -
Project 10252 – FY 2000/2001 Annual Asphalt Resurfacing Contract (M-15)**

A motion authorizing the proper City officials to execute an agreement with Weekley Asphalt Paving, Inc. in the amount of \$716,775 for the FY 2000/2001 annual asphalt resurfacing contract.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 00-1430 from City Manager.

**Contract Award – Trio Development Corporation -
Project 10259 – Replacement of Pump Station D-38 (M-16)**

A motion authorizing the proper City officials to execute an agreement with Trio Development Corporation in the amount of \$169,720 for the replacement of Pump Station D-38, located on Riviera Isle Drive (S.E. 25 Avenue) right-of-way, just south of East Las Olas Boulevard.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 00-1434 from City Manager.

**Request for On-Street/
Off-Peak Parking and Contract Award – Siga Incorporated -
Project 10173 – N.E./N.W. 13 Street Roadway Improvement Project (M-17)**

A motion authorizing the proper City officials to execute an agreement with Siga Incorporated in the amount of \$274,760.50 for the N.E./N.W. 13 Street Roadway Improvement Project (from Powerline Road to U.S. 1, North Federal Highway); and further authorizing the proper City officials to request Broward County implement on-street/off-peak parking on the north and south sides of N.E. 3 Street, between N.E. 3 Avenue and N.E. 12 Avenue.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 00-1429 from City Manager.

Change Order No. 4 (Final) – Ric Man International – Project 9779 - Northwest Industrial Area Sanitary Sewer and Stormwater Improvements (M-18)

A motion authorizing the proper City officials to execute Change Order No. 4 (Final) with Ric Man International for a credit of \$131,728.25 for the Northwest Industrial Area Sanitary Sewer and Stormwater Improvements project.

Funds: See Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 00-1481 from City Manager.

Change Order No. 5 – R. L. Saum Construction Company, Inc. – Project 15190 – George English Park Improvements (M-19)

A motion authorizing the proper City officials to execute Change Order No. 5 with R. L. Saum Construction Company, Inc. in the amount of \$49,619.78 for installation of additional concrete curbing and sidewalk to replace deteriorated curbing and sidewalk, and to accommodate grade changes necessary to ensure proper drainage flow, the repair and resurfacing of the six existing tennis courts, and installation of trap sand at the renovated playground in lieu of the specified builders' sand.

Funds: See Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 00-1433 from City Manager.

Revocable License Agreement – Florida Department of Transportation (FDOT) – Traffic Signal at Commercial Boulevard and N.W. 15 Avenue (M-20)

A motion authorizing the proper City officials to execute a revocable license agreement with FDOT for the construction of a traffic signal at Commercial Boulevard and N.W. 15 Avenue.

Recommend: Motion to approve.

Exhibit: Memo No. 00-1431 from City Manager.

Agreement – Castillo Grand L.L.C. – Construction, Operation and Maintenance of Public Pedestrian Overpass on State Road A-1-A (M-21)

A motion authorizing the proper City officials to execute an agreement with Castillo Grand L.L.C. for the construction, operation and maintenance of a public pedestrian overpass on State Road A-1-A, connecting the west side of A1-A sidewalk and hotel facilities to the east side A1-A promenade. (Also see Item R-3 on this Agenda).

Recommend: Motion to approve.

Exhibit: Memo No. 00-1551 from City Manager.

**Transfer of General Fund Contingencies -
Reinstatement of Funds – Corporate Headquarters Campaign..... (M-22)**

A motion authorizing the transfer of \$41,500 from General Fund Contingencies to the Economic Development Division in order to reinstate \$41,500 for the Corporate Headquarters Campaign for the purpose of completing economic development initiatives, corporate recruitment programs, marketing programs and missions.

Funds: Transfer \$41,500 from General Fund Contingencies to PED030303-4204 (Operational Subsidies)

Recommend: Motion to approve.

Exhibit: Memo No. 00-1554 from City Manager.

PURCHASING AGENDA

Bid No.	Item/Service	Low Responsible Bidder	Amount
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	Purchase of 11 vehicles and equipment for FY 2000-01 Fleet Plan (Supplemental Fleet Plan) Admin. Serv./Fleet		
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			<u>Pur-1</u> \$534,000.00 (estimated)
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Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-1480 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Approve Supplemental Fleet Plan purchases for fiscal year 2000-01.

702-8333	Purchase of two Chassis/ Cabs with Trash Bodies Admin. Serv./Fleet	Container Systems & Equipment Co., Inc. Daytona Beach, FL	<u>Pur-2</u> \$ 189,128.00
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Bids Solicited/Received: 72/2 with 3 no bids

Exhibits: Memorandum No. 00-1516 from City Manager

Remarks: Transfer \$189,128 from Sanitation retained earnings to Fleet Fund (ADM030501-6416).

Recomm: Award to single responsive and responsible bidder with transfer of funds.

Bid No.	Item/Service	Low Responsible Bidder	Amount
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			<u>Pur-3</u>
Prop	One year annual support for Purchasing software Admin. Serv./Info. Systems	Simonton Solutions Austin, TX	\$ 12,150.00 (estimated)

Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-1482 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Approve proprietary purchase.

			<u>Pur-4</u>
	Purchase of an automated municipal parking services system and five years extended support and maintenance Admin. Services/Parking	Enforcement Technologies, Inc. Ft. Lauderdale, FL	\$ 158,100.00 (estimated)

Bids Solicited/Received: 31/6 with 2 no bids

Exhibits: Memorandum No. 00-1492 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Transfer \$104,000 from Parking Retained Earnings to Computer Software (ADM030706-6405)

Recomm: Approve purchase/contract from first ranked proposer.

Bid No.	Item/Service	Low Responsible Bidder	Amount
	Additional installation costs for parking meters - Bridgeside Square Garage Admin. Serv./Parking	Ampere Enterprises (MBE) Opa Locka, FL	<u>Pur-5</u> \$ 17,228.00

Bids Solicited/Received: 3/3

Exhibits: Memorandum No. 00-1457 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Approve after-the-fact purchases from lowest bidder.

			<u>Pur-6</u>
402-8329	One year contract for hardware supplies Admin. Serv./Stores	Biscayne Electric (WBE) Miami, FL	\$ 29,447.10
		MSC Industrial Supply Pompano Beach, FL	7,096.26
		Lion Plumbing Miami, FL	3,931.02
		Home Depot Pembroke Pines, FL	2,976.00
		AAS Company, Inc. (MBE) Atlanta, GA	1,461.96
		Best Industrial Tool & Supply Margate, FL	715.64
		Grainger, Inc. Ft. Lauderdale, FL	<u>474.14</u>
		TOTAL	\$ 46,102.12

Bids Solicited/Received: 41/10

Exhibits: Memorandum No. 00-1488 from City Manager

Recomm: Award to low responsive and responsible bidders.

Bid No.	Item/Service	Low Responsible Bidder	Amount
			<u>Pur-7</u>
712-8381	One year contract for soccer uniforms Parks & Recreation	Sportsphere Titusville, FL Promotional Specialties (MBE) Davie, FL All in Stitches Lauderhill, FL	\$ 39,500.00 2,929.00 <u>1,950.00</u> \$ 44,379.00 (estimated)

Bids Solicited/Received: 70/5 with 45 no bids

Exhibits: Memorandum No. 00-1487 from City Manager

Recomm: Award to low responsive and responsible bidders.

			<u>Pur-8</u>
712-8365	One year contract for landscape maintenance services Parks & Recreation	Lawnscapes by DynaServ, Inc. Davie, FL EDJ Service, Inc. Plantation, FL	\$ 237,264.00 18,311.00 \$ 255,575.00 (estimated annual total)

Bids Solicited/Received: 98/4 with 2 no bids

Exhibits: Memorandum No. 00-1406 from City Manager

Recomm: Award to low responsive and responsible bidders.

			<u>Pur-9</u>
202-8387	Purchase of Mobile Command Vehicle Police	Lynch Diversified Vehicles Burlington, WI	\$264,323.00

Bids Solicited/Received: 13/2

Exhibits: Memorandum No. 00-1495 from City Manager

Remarks: Transfer \$89,323 from Law Enforcement Trust Fund 104 to Grant LLEG (POL050201).

Recomm: Award to low responsive and responsible bidder.

Bid No.	Item/Service	Low Responsible Bidder	Amount
			<u>Pur-10</u>
R10170	Computerized on-line title information services for FY 2000 and 2001 City Attorney	Attorneys' Title Insurance Fund, Inc. Ft. Lauderdale, FL	\$ 25,000.00 (estimated)

Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-1491 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Approve professional services.

The City Manager announced that Consent Agenda **Item No. M-8** had been **withdrawn** from the agenda and would not be considered today.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson that Consent Agenda Item Nos. M-7, M17, M21, M22, Pur. 2 and Pur. 9 be deleted from the Consent Agenda and considered separately, and that the remaining Consent Agenda Items be approved as recommended. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Agreement – Jack Nelson – Coaching Services for the Fort Lauderdale Swim Team (M-7)

Commissioner Katz said most of her questions had already been answered, but she wondered if any figure had been attached to the value of the international public relations derived by the City through this venture. Mr. Stu Marvin, Parks & Recreation Department, stated that Jack Nelson was known throughout the world as a premiere swim coach, and Fort Lauderdale did enjoy a great deal of exposure from the Fort Lauderdale Swim Team around the world. He noted that 2 members of the Swim Team had even competed in the 2000 Olympic Games. Mr. Marvin thought it would be difficult to affix a value, but he guessed local Swim Team programs probably generated \$250,000 in economic impact due to teams coming here to train under Coach Nelson. However, he could not put a figure on the public relations exposure. Mayor Naugle was sure it was in the millions of dollars. Mr. Marvin said he would work with the Convention and Visitors Bureau on a model to estimate the public relations value.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to approve Consent Agenda Item No. M-7 as recommended. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

**Request for On-Street/Off-Peak Parking and
Contract Award – Siga, Inc. – Project 10173 –
Northeast/Northwest 13th Street Roadway Improvement Project (M-17)**

Mayor Naugle asked if the medians had been designed yet. Mr. Greg Kisela, Assistant City Manager, replied that Carr, Smith, Corrodino had prepared the design. Mayor Naugle inquired as to the types of landscaping proposed. Mr. Dennis Girisden, Engineering Division, said there would be mostly sod and rosy aforbia. Mayor Naugle asked if any life cycle projections had been done with respect to the sod. He was also concerned about the cost of maintenance, fertilizing, and the cost to the environment as opposed to using some other landscaping method that might cost more initially but less in the long term.

Mr. Girisden stated that life cycle costs had not been analyzed, but it was estimated that the ground cover would be more maintenance-intensive over the long-term because of weeds and overgrowth. He said it would be very difficult to maintain. Commissioner Smith was sure the community would want landscaping more sophisticated than turf, but he understood there was not enough money left in the budget. He reported that a method had been found to include some trees, however. Commissioner Smith agreed some shrubbery should be utilized, but the project budget was tight.

Mayor Naugle wondered if the citizens would be willing to do the planting and maintenance if the City purchased the materials. Commissioner Smith was sure they would be willing, and he agreed to see to it personally if funds could be identified. Mr. Kisela stated that the TREC Committee's original concern had been that there were limited funds to build the project. He advised that staff could bring back a report. Commissioner Smith did not want the project to be delayed, and Mr. Kisela stated that work would be initiated in early November. Mr. Hector Castro, City Engineer, stated that the street resurfacing work would dovetail into this project.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to approve Consent Agenda Item No. M-17 as recommended and with a report to follow as discussed. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

**Agreement – Castillo Grand L.L.C. – Construction,
Operation and Maintenance of Public Pedestrian
Overpass on State Road A-1-A (M-21)**

Commissioner Smith said there was a concern in the community about the proliferation of overpasses. He believed the City Commission had once adopted a policy calling for a maximum of 5 overpasses along the beachfront. Commissioner Smith suggested a discussion about a more binding ordinance in that regard. Mayor Naugle said he would hate to see 5 overpasses on the beach, and he planned to vote against this one. He believed 5 overpasses would be a horrible blight on the City, and he was concerned about the possibility of the structures blocking vehicle access in a storm event.

Commissioner Katz said her concern had been the erosion that occurred around the posts. She had discussed it with Mr. Castro, who had indicated there was already a problem with the wave wall. Mr. Hector Castro, City Engineer, said there had been a great deal of discussion in this regard at the Property & Right-of-Way Committee meeting. Due to the proximity of the pedestrian landing on the beach promenade side to the wave wall and the existing promenade, it was his opinion that the overpass would not be a structure of enough significance to promote additional erosion.

Mr. Castro reported that he had discussed this subject with Mr. Steve Higgins, of the Florida Department of Environmental Protection, and he had monitored the existing overpass at the Yankee Trader. Mr. Higgins had noted no additional erosion as a result of that structure and seemed comfortable that this overpass would have no effect. Mr. Castro added that the Department had provided conceptual approval of this proposal.

Commissioner Katz understood this would be the fourth overpass. She asked if the Commission could stop allowing this from now on. Mayor Naugle believed this was an easement over the public right-of-way that was considered on case-by-case basis. Mr. Bob Dunckel, Assistant City Attorney, replied that the Commission did not have to approve any more overpasses, and it did not have to approve this one either.

Commissioner Moore recalled past discussion by a previous Commission about visual blight, but he did not remember any specific limitation on the number of overpasses that could be allowed. There had been concerns about a proliferation of overpasses, but he thought the position the Commission had taken was that these would be judged on an individual basis. Commissioner Moore thought an ordinance could be adopted, but he preferred the current practice of judging these things on the merit of the particular project involved. He hoped this Commission would not restrain future Commissions from making decisions based on the merits of a project.

At 7:02 P.M., Commissioner Moore left the meeting. He returned at 7:04 P.M.

Mr. Ron Mastriana, Attorney representing the applicant, said he had been under the impression that the overpass had been approved as a feature of the site plan. He stated that the overpass was an integral part of the St. Regis property and had been shown on the site plan. Mr. Mastriana felt it was extremely important to the success of this project, which had been wholeheartedly endorsed.

Commissioner Smith asked why the overpass was so important to the project. Mr. Mastriana replied that the overpass had been situated between the two largest people-generators on the beach, one being Beach Place, with over 100,000 square feet of restaurant and entertainment area. He stated that access to the St. Regis was necessary, but the State did not care for the tunnel concept. In fact, the tunnels were considered a detriment to the beach environment, so the State endorsed bridges instead. Mr. Mastriana also felt the overpass was an important safety feature in terms of pedestrians because there was no intersection for crossing A-1-A in this location.

Mr. Mastriana advised that the developer had worked with City staff to create an air-conditioned facility that was open to the public. He stated that it had been designed to be conducive to public access. Mayor Naugle did not think people would go up an elevator, use the overpass, and go down in the other elevator instead of simply crossing the street. Commissioner Smith thought the elderly and disabled would use it at least. Mr. Mastriana understood a lot of people used the overpass at the Gill Hotels.

Commissioner Smith supported the item, although he would not want to see too many overpasses on the beach.

Motion made by Commissioner Moore and seconded by Commissioner Smith to approve Consent Agenda Item No. M-21 as recommended. Roll call showed: YEAS: Commissioners Katz, Smith, and Commissioner Moore. NAYS: Commissioner Hutchinson and Mayor Naugle.

Transfer of General Fund Contingencies – Reinstatement of Funds – Corporate Headquarters Campaign (M-22)

Mr. Pete Witschen, Assistant City Manager, clarified that this item pertained to \$41,500 for public fund raising. Commissioner Katz was concerned that the Contingency Fund was being quickly reduced. She wondered if there had been money approved in the Economic Development Department budget for this purpose. Mr. Witschen stated that various Contingency Fund carry forward items had been presented, but the Commission had preferred not to approve them as a group. In this particular carry forward, the \$41,500 had been privately raised to participate in the corporate headquarters recruitment program.

Mayor Naugle understood this money had been raised privately. If it was not used for this purpose, he wondered if the City would have an obligation to give it back. Mr. Witschen replied it would have to be returned. He clarified that the corporate headquarters recruitment program had been a joint venture with the Downtown Development Authority and the private sector, with one-third contributions by each partner. The money had been held in a trust account, but it had not yet been spent. Commissioner Smith asked if any progress reports would be provided. Mr. Witschen felt the Commission could expect some accountability benchmarks when the 2000/2001 budget was presented.

The City Manager recalled that during the budget process, there had been a number of funding items proposed for carry forward into next year's budget to maintain the funding that had been earmarked for those purposes. At that time, the Commission had directed staff to consolidate those items in the Contingency Fund for individual approval, and there would be similar items presented in the future.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that Consent Agenda Item No. M22 be approved as recommended. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Bid No. 702-8333 – Two Chassis/Cabs with Trash Bodies (Pur. 2)

Motion made by Commissioners Moore and seconded by Commissioner Hutchinson that Consent Agenda Item No. Pur. 2 be approved as recommended. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, and Hutchinson. NAYS: Mayor Naugle.

Bid 202-8387 – Mobile Command Vehicle (Pur. 9)

Mayor Naugle requested a description of the command vehicle. The Police Chief recalled that the Margate Police Department had loaned the City a similar vehicle about a year ago that had been placed in the City Hall parking lot. He displayed a plan and said this type of vehicle was rather commonly used by police departments. The Police Chief stated that the vehicle currently being used was a confiscated Winnebago that was about 20 years old.

Mayor Naugle inquired about the length, and the Police Chief replied it was 40' long, and it was intended to serve both as a command post and a community gathering point. He stated it would be used for large-scale gatherings, such as the Air and Sea Show to Boat Show activities and hurricane responses. The Police Chief advised the vehicle would contain communications equipment, and it also had a small holding facility. Mayor Naugle asked if it would also be used by the Fire Department. The Police Chief replied that the Fire Department would have access to it.

Mayor Naugle noted that the Sheriff's Office had one of these vehicles, and he wondered if it could be shared rather than having another. The Police Chief said that possibility had been considered, but this did not lend itself well to joint operations. For example, if there was an emergency situation such as a hurricane, there were usually similar needs in adjoining jurisdictions. Mayor Naugle inquired as to the estimated life of the vehicle, and the Police Chief estimated more than 10 years. Mayor Naugle asked where it would be stored, and the Police Chief advised that a secure location would be worked out with the Fleet Manager.

Motion made by Commissioner Moore and seconded by Commissioner Smith to approve Consent Agenda Item No. Pur. 9 as recommended. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Mount Bethel One Thousand Man March (OB)

Commissioner Moore asked if canopies were proposed for use during this event. *Pastor Glover*, of Mount Bethel Church, replied that no canopies or tents would be used. Commissioner Moore asked if fireworks and food vendors were proposed. Pastor Glover replied that neither were planned. Commissioner Smith understood this item was being presented contingent upon the review and approval of both the Police Department and the Parks & Recreation Department.

Motion made by Commissioner Moore and seconded by Commissioner Smith to approve the Mount Bethel One Thousand Man March as presented. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

MOTIONS

Those matters included under the Motions category differ from the Consent Agenda in that items will be voted on individually. In addition, presentations will be made on each motion item if so desired.

**Agreement and Acceptance of Donation –
Sam Switzer, Marina Motor Inn Enterprises, Inc. – Improvements to the
East Side Underdeck Area – E. Clay Shaw Bridge (S.E. 17 Street Causeway) (M-23)**

A motion was presented authorizing the proper City officials to execute an agreement with Mr. Sam Switzer to establish the terms and conditions for, and accepting his donation of \$250,000 for park maintenance in conjunction with constructing parking and park-like amenities under the east side of the E. Clay Shaw Bridge located on the S.E. 17 Street Causeway (Commodore Brook Memorial Causeway). (Also see Item R-1 on this Agenda).

Mr. Paul Bohlander, Assistant City Engineer, stated that approval of this item would result in acceptance of a \$250,000 donation from Mr. Sam Switzer, who was a resident of Harbour Inlet and the owner of Best Western Marina Motor Inn on 17th Street. This donation would enable construction of a park and public parking under the east side of the new E. Clay Shaw Bridge, and this item had been included in the agenda so as to acknowledge Mr. Switzer's generous contribution.

Commissioner Smith requested further information about the funding of the overall project. Mr. Bohlander stated that cost of the construction of the improvements was over \$1 million. Mr. Switzer's contribution would be added to the City's contribution of \$175,000. The balance would be funded through a Joint Participation Agreement with the Florida Department of Transportation. He stated that Mr. Switzer's contribution would go into a maintenance account.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to accept the donation and execute the agreement with Sam Switzer, Marina Motor Inn Enterprises, Inc. for the improvements to the E. Clay Shaw Bridge east side underdeck area. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

At 7:20 P.M., Commissioner Hutchinson left the meeting. She returned at 7:22 P.M.

**City Commission Request for Review –
De Novo Hearing – Continuation of Nonconforming Status -
Dr. Robert B. and Mrs. Athea W. Hayling (Case No. 18-NC-00)..... (M-24)**

A de novo hearing was scheduled to review the nonconforming status of the following property:

Applicant:	Dr. Robert B. and Mrs. Athea W. Hayling
Request:	Continuation of nonconforming status
Location:	1036 Northwest 9th Avenue

Commissioner Smith stated that the neighborhood was upset about the condition of this building, which had been in disrepair for some 10 years and a blight on the area. He noted that the Unsafe Structures & Housing Appeals Board had voted to demolish the building about 3 years ago, and the owner had been given reprieve after reprieve. Commissioner Smith advised that the neighborhood no longer had confidence in Dr. Hayling's promises.

Having affirmed to speak only the truth by virtue of an oath administered by the City Clerk, *Mr. Jerry Carter* basically agreed with Commissioner Smith, and he had been in constant dialogue with the Building Official for the past year. He explained that there had been a litany of requirements to ensure compliance with the Building Code and Zoning regulations, and all of the requirements had been satisfied. Mr. Carter stated that a site plan, a landscape plan, and a drainage plan had recently been completed, and the intent was to bring the property into full compliance to provide a building that would be economically productive, aesthetically pleasing, and serve as a positive element in the community. Unfortunately, vacant buildings were a frequent target of vandals, but Mr. Bob Young had been retained as the contractor and financing had been arranged with SunTrust Bank.

Commissioner Smith stated that Mr. Carter and Mr. Young were highly respected members of the community, and he was more comfortable with their assurances because they were putting their reputations on the line. Mr. Carter expected improvements to commence within 30 days. Commissioner Moore asked if permits had been issued. Mr. Carter replied that permits had not been issued, but all of the requirements had been met, and they should be issued shortly.

Having affirmed to speak only the truth by virtue of an oath administered by the City Clerk, the following staff members offered comment in this regard:

Mr. John Smith, Building Official, stated that the plans had been approved by all the disciplines except engineering, landscaping and zoning. Therefore, all of the technical requirements of the South Florida Building Code had been met. Permits, however, could not be issued until this item was approved finding that the building had not been abandoned. Mayor Naugle characterized it as a "Catch 22" situation. Commissioner Smith asked when permits would be issued. Mr. Greg Brewton, Zoning Administrator, stated that zoning was prepared to sign off on the plans as soon as this item was completed. He explained that the remaining issues could not be resolved without continuation of the nonconforming status established on the property.

Mr. Smith thought permits could be issued as soon as tomorrow. Mr. Carter was prepared to obtain the permits. *Mr. Bob Young*, Contractor representing the applicant, said he was also prepared to move forward on the rehabilitation work as soon as the permits were issued.

Commissioner Moore believed there were some individuals who were interested in purchasing this building. He inquired as to the plans for the building following rehabilitation. Mr. Carter said he had been in dialogue with 5 or 6 potential buyers for this property, but the building had to be brought into compliance first. Nevertheless, the owners were amenable to selling the property once it was in compliance. Commissioner Moore understood the rehabilitation financing had not been contingent upon tenants, and Mr. Carter agreed that was correct.

Motion made by Commissioner Smith and seconded by Commissioner Moore to approve the application for continuation of nonconforming status for this property. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

**City Commission Request for Review – Site Plan/CB – Walgreen Co.
et al, “Walgreens”/Florida Property Investment Partners, Inc.
(PZ Case No. 93-R-00)**

..... (M-25)

A de novo hearing was scheduled to review a site plan for the following property:

Applicant: Walgreen Co. et al, “Walgreens”/Florida Property Investment Partners, Inc.
Request: Site plan review/CB
Location: Southwest corner of the intersection of Davie Boulevard and U.S. 1 (Federal Highway)

Having affirmed to speak only the truth by virtue of an oath administered by the City Clerk, the following individuals offered comment on this item:

Mr. Scott Miller, Development Services, stated that this was a proposed Walgreen’s Store. He recalled that about half of the property had been rezoned to allow redevelopment of the site, and the Planning & Zoning Board had approved this site plan by a vote of 6 to 2. Mr. Miller explained that this item had been called up by Commissioner Hutchinson for review.

Commissioner Hutchinson said she had called up this item in order to give area residents an opportunity to discuss the issue. She also had wanted an opportunity to view the landscaping and site plans.

Mr. George Morgan, developer representing the applicant, reported that Ms. Barbara Curtis, of the Planning & Zoning Board, was now happy with the landscaping plan. He presented the plans and elevations, and he reported that the plans had been changed based upon recommendations from Ms. Curtis and the City’s Landscape Inspector. Mr. Morgan advised that the plan had been substantially revised even though the plan had previously been approved by the Board. He pointed out that more palm trees would be added along Federal Highway, and an oak tree would be added as well.

Commissioner Hutchinson inquired about traffic on Southeast 12th Court. Mr. Morgan stated that the site plan had been redesigned so truck traffic would be forced down Davie Boulevard, with only an exit on Southeast 12th Court. He believed the primary concern of the homeowners’ association had been truck traffic being added on 4th Avenue to the west and down 12th Court. Mr. Morgan described the truck movements that would be likely. He added that the President of the Homeowners’ Association had submitted a letter endorsing this project.

Commissioner Smith referred to the southern elevation and landscaping. Mr. Morgan advised a 6’ wall was proposed, although it was not required, and it would be tied into an existing fence with a 5’ wall along the alley to prevent people from walking through. He noted that both of the adjoining property owners were satisfied with this plan, and another 6’ wall was proposed along 12th Court so the loading area would be buffered in addition to architectural features. Mr. Morgan described the landscaping proposed in conjunction with the buffer walls. Commissioner Smith was surprised Satin Leaf trees had been selected because they were ornamental trees one could see though. He noted that sabal palms would provide a better screen. Mr. Morgan advised that a certain number of shade trees were required, and the City’s Landscape Inspector had selected that particular species. Commissioner Smith wondered if the applicant would be amenable to a denser cluster of palms if the neighbors desired. Mr. Morgan had no objection, although the neighbors seemed pleased with the Satin Leaf trees.

Commissioner Hutchinson inquired about the surrounding zoning. Mr. Miller advised some was RMM-25. Commissioner Hutchinson understood that zoning allowed heights of up to 55', and Mr. Miller agreed that was correct.

Ms. Lisa Pusuit, area resident, was unclear on the number of entrances. Mr. Morgan stated there would be only 1 entrance on Southeast 12th Court, along with an exit. Ms. Pusuit understood the other entrance would be off Davie Boulevard, and she asked if there would be a median on that roadway. Mr. Morgan did not believe the Department of Transportation had plans for a median on Davie Boulevard, at least in its 5-year plan.

Ms. Pusuit was concerned that those who missed the turn on Davie Boulevard would drive through the neighborhood. She was also concerned that the Walgreen's signature buildings were not representative of surrounding neighborhoods. Ms. Pusuit pointed out that there were Walgreen's stores 12 blocks to the north and 12 blocks to the south of Davie Boulevard. She did not feel they were compatible with the surrounding neighborhoods. Ms. Pusuit said she would not have been concerned if only those lots along Federal Highway had been used rather than taking additional lots that intruded into the residential areas. She advised that she was a realtor and felt the commercial lots on 12th Court devalued the residential lots, and she would not want to buy a home across the street from Walgreen's.

Commissioner Smith explained that much of the problem along Federal Highway was that the lots were not deep enough for good commercial development. He noted that other areas had been unable to attract solid commercial development for the same reason, such as in Flagler Heights.

Commissioner Hutchinson knew Mr. Morgan had been working hard on this project to alleviate concerns, and the fact that the property was commercially zoned could not be changed. Commissioner Moore thought Walgreen's seemed to be the "convenience store of the new millennium," and they were being built everywhere. In this case, he thought the plan had been well done. Commissioner Moore agreed with Commissioner Smith that the Satin Leaf tree might be a bit thin, but if the area residents liked them, he would not object. Commissioner Hutchinson asked Mr. Morgan to work with Ms. Pusuit on any remaining concerns. Mr. Morgan said he was certainly willing to discuss different tree species.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to approve the site plan/CB for this property. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Appeal of Historic Preservation Board's Decision – Request for Certificate of Appropriateness – Lyle G. Davis (HPB Case No. 30-H-98) (M-26)

At the September 11, 2000 Historic Preservation Board meeting, the following application failed to be approved by a vote of 3 to 5.

Applicant:	Lyle G. Davis
Request:	Certificate of appropriateness for a proposed 1,620 square foot addition to an existing single-family structure
Location:	1524 Argyl Drive

Mayor Naugle explained that the appeal involved a two-part process. The City Commission would first have a public hearing to review the existing record and then determine if there had been any departure from the essential requirements of law in the matter or that there was not competent, substantial evidence to support the decision of the Historic Preservation Board.

Mr. Mike Ciesielski, Planner II, stated that this was an appeal of a decision rendered by the Historic Preservation Board at its September 11, 2000 meeting. At that meeting, the Board had voted 3 to 5 to deny this request for a Certificate of Appropriateness for a 1,620 square foot addition to an existing single-family structure. He explained that any exterior alterations or new construction to buildings in the Sailboat Bend District required a Certificate of Appropriateness.

Mr. Ciesielski stated that *Ms. Marilyn Rathburn*, consultant to the Board, had recommended denial of this application based on the notion that the proposal did not conform with several of the criteria found in the ULDR. Specifically, she had found that the proposed roof was contrary to the guidelines set forth in the U.S. Secretary of Interior's standards for rehabilitation of historic buildings, and a substantial increase in the building footprint and height served to obscure the property. He advised that the majority of the Board had concurred with these findings, and the applicant felt there had been a lack of competent evidence to support that decision.

Mr. Ciesielski advised that the applicant contended that the house had already been added to in that the front porch was not part of the original structure. In addition, the applicant contended that the proposed addition would correct many of the inadequacies found in the home. He explained that if the Commission felt there had been a substantial departure from requirements of law or a lack of competent evidence to support the Board's decision, a new hearing would be held tonight or at a future date. If not, the ruling of the Board would stand.

Mr. Lyle Davis, applicant, said this case boiled down to the definition of "contributing property." He found a lot of fault on the consultant's report because it contained several errors and was biased in the extreme. Mr. Davis stated that the definition of contributing property, as contained in the U.S. Secretary of Interior's standards, meant a building site, structure or object that added to the historical architectural qualities of the property. He thought everyone agreed that 2 of the 3 criteria included in the definition did not apply in this case, while one could be stretched because the original building had been in existence during the significant historical period of the district. However, Mr. Davis pointed out that the historical integrity of the structure had not been maintained.

Mr. Davis stated that 2 additions had been made to the structure, which had completely changed the shape of the property and rendered it significantly different from the Freeman house alluded to in the consultant's report. He advised that the windows were a "mish mash" of aluminum windows from the 1970s with a few of the original wooden windows, so the historical integrity of the structure had long since been compromised.

Mr. Davis thought the Board's decision lacked perspective and common sense. He advised that the purpose of the Board, as described in the ULDR, was to implement the City's historic preservation regulations that promoted the cultural, economic, educational and general welfare of the people of the City and the public through the preservation of historically or architecturally worthy structures. He stated that the Sailboat Bend Civic Association's newsletter indicated the purpose of these requirements was to ensure the integrity of the village quality of Sailboat Bend and, at the same time, protect and enhance property values by retaining the best features while preventing those elements that would damage neighborhood revitalization. Mr. Davis felt the Board and the consultant had strayed from this criteria, which was damaging to revitalization efforts within the neighborhood.

Mr. Davis submitted a letter of support from all of the surrounding property owners. He had provided them with full information about the proposal, and they felt the proposal would be a great improvement in the area. The letter encouraged the Commission to reverse the Board's decision because area property owners felt it threatened the ability of everyone who owned property in the area to revitalize the neighborhood. Mr. Davis stated that he had neighborhood support, and he was not a developer coming in to try to make a "quick buck." He had owned the property for over 8 years.

Mr. Davis said that the consultant's report referred to the historic Freeman house. He advised that Mrs. Freeman had lived in the house for about 2 years, and the additions that changed the house had been added approximately 6 years after the original construction. They had been "tacked on," and Mr. Davis submitted some illustrations to highlight the question of historic integrity. He pointed out that the garage had been tacked on to the existing roof, and the same applied to the "riverfront porch," which the consultant had indicated was original.

Mr. Davis understood Ms. Rathburn had driven past the house, although it had not been inspected. He pointed out that the report referred to the "complex, cross-gabled" roof of the house was its most distinguishing feature. However, that was not original to the house. Mr. Davis submitted the front elevation of the house as it had originally been designed. It showed a flat roof on the garage, but the garage had not been constructed originally. He presented an overview of how the building had originally been constructed.

Mr. Davis said he had found that the plans for his house were exactly the same as those for another down the street, even down to the same lot number, contractor, and client. Those plans had been duplicated 5 lots down, and an application for that property submitted in 1994 had been approved for a very radical roof change. Mr. Davis did not feel the consultant or the Board had been very objective, and he thought the applicable guidelines had been stretched to the breaking point.

Mr. Davis felt the consultant had exhibited bias in this case. He stated that the staff report referred to his plan to enclose some "courtyard" space, and that was so exaggerated that he had to question the objectivity of the report. Mr. Davis said the main reference used had been the "Field Guide to American Houses," and it contained no definition of a courtyard. However, he had copied the illustration of a courtyard contained in that reference, and there was very little comparison to his property.

Ms. Rathburn said her report had been distributed. She stated that the house had been built in 1941, and the additions had been done in 1945, so they both met the 50-year standard. Ms. Rathburn advised that she had taken a description of the house from the "Field Guide to American Architecture," which was a standard text. She advised that this building was a "folk house," which had typically been built by a contractor or a property owner. Some architects of the 1930s used some of these simple folk house designs and stretched them into a more "rambling plan." Ms. Rathburn said that was basically this historic character of the house.

Ms. Rathburn stated that the problem with this application was that it was for an addition. Mr. Davis did not feel there was enough of the historic character of the building remaining to make it worth saving, and that was a determination for the Board. However, when asking for an addition to an historic structure, the Board had to apply the standards and criteria contained in the Code. If Mr. Davis had requested a Certificate for new construction, perhaps with a demolition rider for the house, the Board would have made its decision based on whether or not the building was a contributing structure or a non-contributing structure.

Commissioner Moore asked if the applicant had been given any instruction. Ms. Rathburn said she had not. However, at the Board meeting Mr. Charles Jordan had indicated that in reviewing something like this, the Board had to consider its responsibilities under the Code. He had stated that the staff report was correct in the assessment of the plan in accordance with the standards of the U.S. Secretary of the Interior. Mr. Jordan had felt the question should be whether or not the building was a contributing structure and whether the Board wanted to save it. He had also indicated there would be no problem with the plan if it had been submitted as a plan for new construction. The majority of the Board had decided it was a contributing structure, so the guidelines had to be applied.

Mr. Ciesielski said it had been a procedure for the Board to table an item after concerns were expressed to allow an opportunity for applicants to present revised plans. He advised that happened fairly frequently, although it had not happened in this case because the applicant had opted to appeal the decision to the City Commission.

Commissioner Hutchinson understood Mr. Davis did not want to demolish the existing structure, and the Board considered it a contributing structure. She asked if it could still be titled as new construction. Ms. Rathburn believed a demolition rider would be required for the proposed roof change. She thought this plan could be considered new construction.

The City Attorney stated that what was before the Commission now was review of the record made before the Board. He advised that the Commission could elect not to act on step one of this proceeding and let the matter go back to the Board. Commissioner Hutchinson believed that would make it easier for Mr. Davis to build a house that contributed to the neighborhood if it was sent back to the Board with Ms. Rathburn's recommendation about the wording of the application. Commissioner Moore supported the idea. Commissioner Hutchinson agreed this should be considered new construction and that it not be considered a contributing property.

The City Attorney said the problem with the appellate process was that there were two steps involved. In the first step, the Commission either made a finding that the Board acted without competent, substantial evidence to support its decision or that it departed from the requirements of law. The solution being suggested involved a different type of application, but the Commission was confined to the record before it this evening. In order for the applicant to change the application to supplement the record, the matter had to go back to the Board, and he believed that was the quickest solution.

Commissioner Hutchinson asked when this could be presented to the Board again. Mr. Ceisielski replied it could go back to the Board on November 13, 2000.

Mr. Tom Tatum, Chairman of the Historic Preservation Board, said this had come before the Board on an application approved by City staff for alterations. The Board had applied the criteria it was required to apply in addressing an application for alteration. There had been several items in the report and the plan indicating that those criteria had not been met, and Mr. Tatum believed that was the reason the Board had denied the application. Another procedural issue had arisen, too, in that it had been determined that the entire roof would be removed from the residence. Upon the advice of the Assistant City Attorney present at the Board's meeting, it had become apparent that the application did not address the demolition portion. Therefore, the application was not properly before the Board to consider the demolition aspect.

Mr. Tatum explained that the Board had been unable to do anything other than to deny this application based upon the fact that it was presented as an alteration. He said it was inherent in the Board's vote that the majority of the Board felt this was a contributing structure in this district. Therefore, sending this back to the Board would put it in a very difficult position. He explained that the Board would not know what part of the ordinance it was supposed to apply. Mr. Tatum thought it would be more proper if the property owner started over with a new construction application.

Commissioner Smith was confused. He understood the Board had found it to be a contributing structure so, even if the applicant presented a new application, the Board would still have to make the same finding. Mr. Tatum thought at least 5 members of the Board felt this was a contributing structure. Commissioner Smith thought it sounded as if Mr. Tatum was indicating that a new application would make no difference in the Board's finding. Mr. Tatum clarified he was not saying it would make no difference from a factual standpoint, but the entire process would have to be different because it would be presented as new construction. Therefore, different criteria would be considered, particularly since a new construction application would have to address the demolition aspect of the entire structure. That triggered another part of the ordinance, so it would be a different proceeding.

Commissioner Moore was concerned. He pointed out that there was a citizen trying to make improvements to his property and, if the roof was not repaired, the weather would result in demolition of the structure in the future. If the Board could have suggested a different application, Commissioner Moore wondered why it had not. Mr. Tatum stated that the Board often did that, and the applicant had been given the opportunity to table the item. He noted that there was also a setback issue involved, but the applicant had chosen to appeal the application rather than revise the application. Mr. Tatum could not recall the Board ever refusing to table an item if the property owner had shown a willingness to go back and start over or address the problem. In this case, the applicant had elected to appeal the decision.

Commissioner Moore had not seen anything in the minutes about the applicant being afforded the opportunity to continue the item. Commissioner Hutchinson had not see any such mention either. Mr. Tatum recalled discussion about giving the applicant some additional information and direction about how to handle the application, but the appeal had been the next step taken by the owner. He believed the applicant had been disappointed about just finding out about the possibility of a new construction application at the time of the meeting since the applications went through staff first. Mr. Tatum said many property owners who appeared before the Board were not well educated in the process, and it caused a lot of disappointment when owners found themselves before a quasi-judicial body only to learn their applications were defective.

Mayor Naugle stated that there was a reference to tabling the item on page 12 of the meeting minutes. The Assistant City Attorney had also indicated the applicant needed to seek a Certificate of Appropriateness in order to demolish the structure. Mr. Tatum said that it was the policy of the Board to table items if there was a need to correct an application.

The City Attorney stated that the Commission could suspend this hearing now, based upon the information presented about the problems with the application and the need to supplement it. If the appeal went forward in any case, the hearing would be resumed at another time.

Commissioner Katz thought sending this back to the Board would result in another rejection because the Board would likely vote that this was a contributing structure. She suggested the Commission move forward with this hearing and find there had not been substantial, competent evidence to support the Board's decision.

Commissioner Hutchinson said she had met with Ms. Rathburn, Mr. Brewton, Mr. Ciesielski, and Mr. Davis, and Ms. Rathburn had suggested a new application for new construction was the proper method because that would have made it easier to get through the Board process. She had also indicated this evening that if Mr. Davis had presented an application for new construction, he would have probably been given approval. Commissioner Katz did not believe that had been the indication of Mr. Tatum. Mr. Tatum said that had not been his intention. He explained that under a proper application, the Board had the authority to grant a Certificate of Appropriateness for the demolition of the structure. If the applicant presented a new application, the Board would have different criteria to apply. Therefore, if the Commission denied this appeal, Mr. Davis could present a new application to which different criteria would be applied.

The City Attorney stated that sending this back to the Board would give the applicant an opportunity to modify the application and work with staff.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to send this application back to the Historic Preservation Board with a modified application as discussed. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: Commissioner Katz.

**Transfer of General Fund Contingencies –
Fort Lauderdale Historical Society – Fusion Art Event -
“Combining Today’s Art with Fort Lauderdale History” (M-27)**

A motion was presented authorizing a transfer of \$1,000 from General Fund Contingencies to GEN040201/4299 (Other Contributions) to help fund the Fort Lauderdale Historical Society’s Fusion Art Event, “Combining Today’s Art with Fort Lauderdale History.” (Also see Item M-3 on this Agenda).

Funds: Transfer \$1,000 from General Fund Contingencies to GEN040201/4299 (Other Contributions)

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to approve the transfer of \$1,000 from General Fund Contingencies to GEN040201/4299 (Other Contributions). Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

**Vacate a Portion of Northeast 5th Terrace -
Downtown Flagler Village, Ltd. (PZ Case No. 3-P-00) (PH-1)**

At the Planning and Zoning Board's regular meeting of June 21, 2000, it was recommended by a vote of 6 to 2 that the following application be approved. Notice of the public hearing was published on October 5 and 12, 2000.

Applicant: Downtown Flagler Village, Ltd.
Request: Vacate a portion of Northeast 5th Terrace
Location: Northeast 5th Terrace between Northeast 5th Street and Northeast 4th Street

Mayor Naugle understood this matter was to be deferred. Commissioner Moore did not object to deferral, but he did not want to overload the November 7, 2000 agenda.

Motion made by Commissioner Moore and seconded by Commissioner Katz to defer first reading to November 7, 2000 at 6:00 P.M. Roll call showed: YEAS: Commissioners Katz, Smith, Hutchinson, and Mayor Naugle. NAYS: Commissioner Moore.

**Application of Prior Zoning Regulation/B-1 Use
(ULDR Section 47-26A.1) – D & Z Trading Company
(PZ Case No. 97-R-00) (PH-2)**

At the Planning and Zoning Board's regular meeting of August 16, 2000, it was recommended by a vote of 9 to 0 that the following application be approved. Notice of the public hearing was published on October 5 and 12, 2000.

Applicant: D & Z Trading Company
Request: Application of prior zoning regulation/B-1 use (ULDR Section 47-26.A.1)
Location: 3053 North Ocean Boulevard

Mayor Naugle called for those who wished to be heard. There were none.

Motion made by Commissioner Smith and seconded by Commissioner Moore that the public hearing be closed. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Commissioner Smith understood this would allow the gas station to reopen with a car wash, which removed the possibility of a high rise in this location.

Commissioner Smith introduced the following ordinance on first reading:

ORDINANCE NO. C-00-64

AN ORDINANCE APPROVING THE APPLICATION OF A PRIOR ZONING REGULATION TO PERMIT PROPERTY DESCRIBED AS A PORTION OF LOTS 104, 105, 106, 107, BLOCK 1, "LAUDERDALE BEACH," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 2, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED AT 3053 NORTH OCEAN BOULEVARD ON THE SOUTHWEST CORNER OF THE INTERSECTION OF OAKLAND PARK BOULEVARD AND STATE ROAD A-1-A, WHICH PROPERTY IS ZONED CB, TO PERMIT AN AUTOMOTIVE SERVICE STATION PURSUANT TO SECTION 47-26.A.1 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

**Rezone RMM-25 to X-P/Allocate Flexibility/
Site Plan Approval – Sea Urchin, Inc.
(PZ Case No. 10-ZR-00)**

..... (O-1)

At the Planning and Zoning Board's regular meeting of August 16, 2000, it was recommended by a vote of 8 to 0 that the following application be approved. Ordinance No. C-00-58 was published on September 21 and September 28, 2000, and passed on first reading at the Regular Meeting of October 3, 2000 by a vote of 5 to 0.

Applicant: Sea Urchin, Inc.
Request: Rezone RMM-25 to X-P/allocate flexibility/site plan approval
Location: 1000 Block of Southeast 2nd Court, between Southeast 9th Avenue and Southeast 10th Terrace

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-00-58

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RMM-25 TO X-P, THE WEST HALF OF LOT 2 TOGETHER WITH ALL OF LOT 3, BLOCK 14, "COLEE HAMMOCK", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 17, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON THE SOUTH SIDE OF SOUTHEAST 2ND COURT, BETWEEN SOUTHEAST 9TH AVENUE AND SOUTHEAST 10TH TERRACE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Vacate a Portion of 16-Foot East/West Alley -
Florida Property Investment Partners (PZ Case No. 10-P-00) (O-2)

At the Planning and Zoning Board's regular meeting of August 16, 2000, it was recommended by a vote of 7 to 2 that the following application be approved. Ordinance No. C-00-59 was published on September 21 and September 28, 2000, and passed on first reading at the Regular Meeting of October 3, 2000 by a vote of 5 to 0.

Applicant: Florida Property Investment Partners
Request: Vacate a portion of 16-foot east/west alley
Location: East/west alley south of Southeast 12th Street (Davie Boulevard)
between U.S. 1 (Federal Highway) and Southeast 4th Avenue

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-00-59

AN ORDINANCE VACATING, ABANDONING AND CLOSING THAT PORTION OF THE 16 FOOT ALLEY IN BLOCK "27-L", "CROISSANT PARK", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 28, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BOUNDED ON THE WEST BY THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 5 OF SAID BLOCK "27-L" AND BOUNDED ON THE EAST BY A LINE 25.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID BLOCK "27-L", LOCATED BETWEEN SOUTHEAST 12TH STREET (DAVIE BOULEVARD) AND SOUTHEAST 12TH COURT, ON THE WEST SIDE OF SOUTH FEDERAL HIGHWAY, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

At 8:39 P.M., Commissioner Katz left the meeting.

Rezone RMM-25 to X-P/Allocate Flexibility/
Site Plan Approval – New Generation Ministries (PZ Case No. 20-ZR-99) (O-3)

At the June 21, 2000 regular meeting of the Planning and Zoning Board, it was recommended by a vote of 8 to 0 that the following application be approved. Ordinance No. C-00-60 was published on August 25 and September 1, 2000. On September 6, 2000, first reading was deferred to October 3, 2000 by a vote of 5 to 0; and, on October 3, 2000, first reading was approved by a vote of 5 to 0.

Applicant: New Generation Ministries, Inc.
Request: Rezone RMM-25 to X-P/allocate flexibility/site plan approval
Location: 500 West Sunrise Boulevard, south side of Sunrise Boulevard, between Northwest 4th and 5th Avenues

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-00-60

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RMM-25 TO X-P, LOTS 7 AND 8, LESS THE WEST 32.00 FEET; LOT 9, LESS THE WEST 32.00 FEET OF THE NORTH 12.50 FEET AND LESS A TRIANGULAR PARCEL OF LAND HAVING 2 SIDES OF LENGTH 5.00 FEET ALONG THE WEST LINE OF SAID LOT 9 AND THE NORTH LINE OF THE SOUTH 12.50 FEET OF SAID LOT 9; TOGETHER WITH LOT 10 AND THE NORTH 12.50 FEET OF LOT 11; ALL IN BLOCK 206, "PROGRESSO", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LOCATED ON THE WEST SIDE OF NORTHWEST 4TH AVENUE, SOUTH OF WEST SUNRISE BOULEVARD AND NORTH OF NORTHWEST 9TH STREET, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Amendment to Chapter 28 –

Water, Wastewater and Stormwater (Water and Sewer Rate Increase) (O-4)

An ordinance was presented amending Chapter 28 of the Code of Ordinances entitled "Water, Wastewater and Stormwater," by amending Sections 28-76, 28-141, 28-143, 28-144, and 28-145 thereof, to increase wastewater user rates, tapping charges, water rates, sprinkling meter charges, and private fire service protection charges. Ordinance No. C-00-61 was published on August 27, 2000. On September 6, 2000, first reading was deferred to October 3, 2000 by a vote of 5 to 0; and, on October 3, 2000, first reading was approved by a vote of 4 to 0.

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-00-61

AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED "WATER, WASTEWATER AND STORMWATER," BY AMENDING SECTIONS 28-76, 28-141, 28-143, 28-144, AND 28-145 THEREOF, TO INCREASE WASTEWATER USER RATES, TAPPING CHARGES, WATER RATES, SPRINKLING METER CHARGES, AND PRIVATE FIRE SERVICE PROTECTION CHARGES.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Hutchinson, and Mayor Naugle. NAYS: none.

**Amendment to Section 6-4 – Permits Authorizing
Dogs on Sidewalks or Public Property on the West
Side of State Road A-1-A (O-5)**

An ordinance was presented amending Section 6-4 of the Code of Ordinances to provide for the issuance of permits authorizing dogs on sidewalks or public property on the west side of those portions of State Road A-1-A south of Sunrise Boulevard and adjacent to the sandy beach, subject to certain restrictions and conditions, for a trial period to expire sixty (60) days from the effective date unless otherwise extended. Ordinance No. C-00-62 was published on September 23, 2000, and passed on first reading October 3, 2000 by a vote of 4 to 0.

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-00-62

AN ORDINANCE AMENDING SECTION 6-4 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO PROVIDE FOR THE ISSUANCE OF PERMITS AUTHORIZING DOGS ON SIDEWALKS OR PUBLIC PROPERTY ON THE WEST SIDE OF THOSE PORTIONS OF STATE ROAD A-1-A SOUTH OF SUNRISE BOULEVARD AND ADJACENT TO THE SANDY BEACH, SUBJECT TO CERTAIN RESTRICTIONS AND CONDITIONS, FOR A TRIAL PERIOD TO EXPIRE SIXTY DAYS FROM THE EFFECTIVE DATE UNLESS OTHERWISE EXTENDED.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

**Amendment to Chapter 20 – General Employees Retirement System -
Broward County Local Union, Local 532, AFSCME Collective
Bargaining Agreement (O-6)**

An ordinance was presented amending Chapter 20, Division 2, of the Code of Ordinances pertaining to the General Employees Retirement System by amending Section 20-110(a) entitled "Normal Retirement Pension," to provide an increased benefit accrual formula for Group I members; to provide a maximum benefit accrual for Group I members; to provide an option to retain former benefit accrual rate formula without regard to the maximum benefit accrual formula; by amending Section 20-110(c) entitled "Disability, " to permit the Board of Trustees, upon certain terms and conditions, to equitably apportion disability benefits for employees returning to work; to permit the retroactive award of disability benefits for a period not to exceed six months; by amending Section 20-112, "Contributions," to provide for cessation of employee contributions for employees who attain maximum benefit accrual; by amending Section 20-115(h), "Denial of Claim," relating to procedures in the event of a denial of a claim; by creating a new Subsection 20-115(l) entitled "Overpayment of Benefits," addressing venue, interest accrual and provision for attorneys' fees in the event of litigation to collect overpayment of benefits. Ordinance No. C-00-63 was published on October 7, 2000, and passed on first reading at the Regular Meeting of October 3, 2000 by a vote of 4 to 0.

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-00-63

AN ORDINANCE AMENDING CHAPTER 20, DIVISION 2, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESPECTING THE CITY OF FORT LAUDERDALE'S GENERAL EMPLOYEES' RETIREMENT SYSTEM BY AMENDING SECTION 20-110(A), ENTITLED NORMAL RETIREMENT PENSION, TO PROVIDE AN INCREASED BENEFIT ACCRUAL FORMULA FOR GROUP I MEMBERS; TO PROVIDE A MAXIMUM BENEFIT ACCRUAL FOR GROUP I MEMBERS; TO PROVIDE AN OPTION TO RETAIN FORMER BENEFIT ACCRUAL RATE FORMULA WITHOUT REGARD TO THE MAXIMUM BENEFIT ACCRUAL FORMULA; BY AMENDING SECTION 20-110(C), ENTITLED DISABILITY, TO PERMIT THE BOARD OF TRUSTEES, UPON CERTAIN TERMS AND CONDITIONS, TO EQUITABLY APPORTION DISABILITY BENEFITS FOR EMPLOYEES RETURNING TO WORK; TO PERMIT THE RETROACTIVE AWARD OF DISABILITY BENEFITS FOR A PERIOD NOT TO EXCEED SIX MONTHS; BY AMENDING SECTION 20-112, CONTRIBUTIONS, TO PROVIDE FOR CESSATION OF EMPLOYEE CONTRIBUTIONS FOR EMPLOYEES WHO ATTAIN MAXIMUM BENEFIT ACCRUAL; BY AMENDING SECTION 20-115(H), DENIAL OF CLAIM, RELATING TO PROCEDURES IN THE EVENT OF A DENIAL OF A CLAIM; BY CREATING A NEW SUBSECTION 20-115(L), ENTITLED OVERPAYMENT OF BENEFITS, ADDRESSING VENUE, INTEREST ACCRUAL AND PROVISION FOR ATTORNEYS' FEES IN THE EVENT OF LITIGATION TO COLLECT OVERPAYMENT OF BENEFITS.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

At 8:43 P.M., Commissioner Katz returned to the meeting.

Amend ULDR Section 47-13.20 – Allocation of Residential Units and Site Plan Approval in the Downtown Regional Activity Center (RAC) – City of Fort Lauderdale (PZ Case No. 4-T-00) (O-7)

At the Planning and Zoning Board's regular meeting of August 16, 2000, it was recommended by a vote of 5 to 4 that the following application be approved. Ordinance No. C-00-57 was published on September 9, 2000, and passed on first reading at the Recessed Regular Meeting of September 26, 2000 by a vote of 4 to 0. On October 3, 2000, second reading was deferred to October 17, 2000 by a vote of 4 to 0.

Applicant: City of Fort Lauderdale/Construction Services Bureau
Request: Amend ULDR Section 47-13.20 to change the process for Allocation of Residential Units and Site Plan Approval in the Downtown RAC, and the process for Site Plan Approval for parcels along the New River

Mr. John Milledge, Attorney for the Downtown Development Authority (DDA), said staff had worked well on certain changes to this ordinance but, at the last meeting, Commissioner Katz had suggested a change to the design definition. He had thought the Commission had directed staff to make that change. Mayor Naugle advised that staff had recommended against that change. Mr. Milledge agreed he had seen that recommendation. He had a concern about the size and height, and he thought Commissioner Katz's suggested language had been a good compromise.

Commissioner Moore asked Mr. Milledge to elaborate on the design definition. Mr. Milledge explained that this regulation relating to the City Centre zoning district, where the City wanted the higher density project. Therefore, Mr. Milledge was concerned about a criteria that mentioned size and height. That would allow the Commission to deny a project solely on the basis of size or height. Commissioner Katz had agreed that was a concern, and she had suggested amending the definition of "design" so that it meant a number of elements including size, height, bulk, setbacks, relation to the transportation network, etc. Mr. Milledge felt these elements were all interrelated, so she had been trying to address those issues.

Commissioner Katz felt there was an interrelationship amongst all those things. Rather than just selecting one issue, such as height, she felt the definition of design should include all of the elements that worked together to make a good project. She thought that would provide the same protection since height, for example, was included. Commissioner Katz pointed out that the difference was subtle, but she believed it would make everyone happy. In the alternative, she suggested something in the ordinance like "including, but not limited to, height, size, character, setbacks."

Mr. Milledge stated that Commissioner Katz had put forth a concept, and he had thought staff would go back and try to refine it for further discussion. However, he felt he was at a disadvantage now because the issue had not been brought back at all. Instead, staff had just indicated they did not care for the idea. It was hard for Mr. Milledge to address something that was apparently not before the Commission.

Mr. Scott Miller, Development Services, agreed staff was directed to go back and address two issues, one of them being the idea of including a definition of "design." Instead of using the words "size, height and character" outright, staff had examined the issue and were concerned by replacing those with the word "design." He explained that the criteria proposed had always been applicable to projects located on the New River within the City Centre. Mr. Miller pointed out that this language had been in effect since before adoption of the ULDR. He stated that there were a number of elements in the list of criteria. Each, taken individually, could mean one thing, but they had to be taken collectively in relation to setbacks. He did not feel any of those words should be considered in a vacuum and a project assessed solely on the basis of one of those elements, such as height.

Mr. Miller felt the words "size, height and character" were of sufficient importance to retain in the ordinance language because they had to be taken in relation to the setbacks, and they were all important elements of a project deserving of attention.

Mr. Miller noted that the Commission had also asked staff to examine a change in the process itself by providing a process by which the development community could present a very conceptual plan to the Commission and get an indication as to how to proceed at that point. Staff had been concerned with how formal a process that would be, and there were some elements of the review process, such as traffic impacts and some of the more detailed issues, that would not be known at a very conceptual level but which could affect how staff and the Commission examined a project. Mr. Miller said staff felt it was important to not provide a process for a formal review at that point. Instead, it was suggested that the development community come forward during a Commission Conference to provide an informational presentation about proposed projects to solicit input, and with the understanding that there would be no vesting of rights, no approvals, and nothing settled finally before submission of a detailed development plan.

Mr. Miller pointed out that another change had been included in the ordinance about when the dwelling units became vested. He stated that would occur at the time of site plan approval under staff's recommendations. Mr. Miller explained that staff had examined the issues discussed at the Commission's last meeting very carefully, but they could not support the suggestions as some had hoped.

Commissioner Smith asked how many flex units remained in the downtown. Mr. Miller stated that there were 5,100 total units, and there were about 1,500 to 1,800 units remaining out of that pool. Commissioner Smith understood this project, if approved, would take another 600. Mr. Miller believed it would take 532 or so. Commissioner Smith asked how far along staff was in the process to seek more flex units from the County. Mr. Chris Wren, Office of Community and Comprehensive Planning, stated that staff was in the process of amending the number of units, and a report would be provided. He said that he did not know how long it would take at this point, but it could take as long as 12 months, although staff was seeking an abbreviated administrative method of addressing this issue.

Commissioner Smith suggested that staff make it a priority to get the 12-month process started very soon in case the abbreviated method was not approved. Mr. Wren advised that the process had been started, but he was not sure it was really pressing because there were still units available. As a planner, he felt some caution was in order, but he preferred presenting a total picture rather than "pulling a number out of the air" tonight. Commissioner Smith was worried because nothing much had happened yet in the northern portion of the RAC. Mr. Wren agreed units should be reserved for the Flagler Heights area, and staff had been working with the DDA and the South Florida Regional Planning Council. He was not yet sure of the type of application that would be required, and there were two different RACs to consider. Mr. Wren advised that the Northwest RAC had 3,000 or 4,000 surplus units that were not desirable in single-family neighborhoods, so it could be desirable to use some of those units in the Flagler Heights area. He thought there was a possibility of saving about \$70,000 in consultant fees if that approach was taken. Commissioner Smith asked if a status report could be provided in this regard. The City Manager said a report could be presented just before the second meeting in November.

Commissioner Smith thought size, height and character were very specific issues that mattered a great deal in the downtown and those should be retained without “hiding” them behind other language. He felt height alone might matter if a building was going to be built on the New River. On the other hand, he disagreed with staff on the “early look” issue. Commissioner Smith felt the City should be able to provide some assurances with a 10% change threshold, perhaps as to height, setbacks, and the number of flex units. He thought that would provide developers with some comfort level that politics would not “play” with those numbers. Mayor Naugle believed that had been the reason there had been trouble with Beach Place because changes made after Commission approval had fallen within the threshold for staff modification.

Commissioner Smith said he envisioned a 10% threshold only as to size, height and setbacks, with the Commission reserving the right to disapprove such items as lighting or landscaping. At least, however, the developer would have some assurances as to the major issues. Mayor Naugle believed a 50-story building, under that scenario, could be increased administratively for an additional 5 stories. Commissioner Smith said he was talking only about decreases.

Commissioner Katz asked if the Commission could give some sort of conceptual approval. She thought the City Attorney was concerned about a developer who went to the bank with some early indication from the Commission, but she felt there had to be some language indicating approval was conceptual only. However, the basic footprint, setbacks and height could be assured. Commissioner Katz also wanted to press the idea of having an architect on the DRC. If projects were going to come to the Commission without presentation to the Planning & Zoning Board, she felt it was important that an architect be involved at the DRC level. She did not think it mattered if a staff architect participated or if a volunteer from the community could be identified, but she did not think the Commission had the necessary expertise.

Commissioner Moore was “scared” by this conversation about the process. He thought it would be helpful if developers had a better understanding of what the Commission wanted in various areas of the City by listening to Commission discussions, but he did not want a developer to get the impression that something was approved based on casual conversation. Commissioner Moore agreed with staff that there should be certain rules that had to be followed. He understood the desire for some conceptual approval process, but he was concerned about it in this litigious society.

Mayor Naugle did not think there was any time limit for tying up the units, and if a large project on the River was approved followed by a downturn in the economy, the units could be tied up for years. Mr. Miller stated that the units were allocated through the site plan review process, and site plans expired in 18 months. Mayor Naugle believed there must be units already approved that had gone back into the pool in that case. Mr. Miller agreed that was correct.

Commissioner Katz referred to the design, height, size and character issues. She thought this ordinance was sending the message that a project could be defeated at the last minute if a lot of people came to the last hearing in protest of a development. Commissioner Katz wanted to find a way to indicate that the City Commission would examine height, design and character, so the community would not think any project could be defeated by getting enough people to attend the hearing.

Commissioner Moore said the reason he wanted to add “design” to the other language pertaining to height and other restrictions was because some designs were superior. For example, he had liked the design of the development proposed next to Stranahan House, and he had been willing to accept greater height because of that design. Commissioner Smith believed design was included in the ordinance. He thought the problem was that there were no rules about height, so developers did not know what to plan. Commissioner Smith felt some firm rules should be established or the Commission should consider projects early on to provide some assurances as to the footprint. He thought that would take the politics out of the height argument, although it would still be important to examine early in the process so developers could “take something to the bank.”

Mr. Miller noted that height, size, character, and design were all included in relation to setbacks in addition to other items. He quoted an excerpt from page 2 of the proposed ordinance, which indicated that development plans would be reviewed giving consideration to the location, size, height, design, character and ground floor utilization.”

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-00-57

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-13, DOWNTOWN RAC, AND OTHER SECTIONS OF THE ULDR TO REVISE THE PROCESS AND CRITERIA FOR REVIEW AND APPROVAL OF DEVELOPMENT IN THE DOWNTOWN RAC INCLUDING DEVELOPMENT ON THE NEW RIVER WATERFRONT CORRIDOR AND THE ALLOCATION OF DWELLING UNITS.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

At 9:07 P.M., Commissioner Hutchinson left the meeting.

**Amend ULDR Section 47-20.14 –
Lighting of Parking Facilities (PZ Case No. 3-T-00); and
Section 47-20.5 – General Design of Parking Facilities
(PZ Case No. 6-T-00) (O-8)**

An ordinance was presented amending the Unified Land Development Regulations (ULDR) of the City to amend:

- (1) Section 47-20, “Parking and Loading Requirements,” to revise the level of lighting for parking facilities, to restrict glare and illumination onto residentially used properties, to provide for amortization and to revise other sections of the ULDR for consistency with the revisions to Section 47-20. This application was approved at the May 17, 2000 Planning and Zoning Board regular meeting by a vote of 8 to 0 (PZ Case No. 3-T-00). Notice of the proposed ordinance was published on October 7, 2000; and

- (2) Section 47-20.5, "General Design of Parking Facilities," to provide widths for access drives and to delete a requirement for a turnaround area for lots with ten (10) spaces or less. This application was approved at the May 17, 2000 Planning and Zoning Board regular meeting by a vote of 9 to 0 (PZ Case No. 6-T-00). Notice of the proposed ordinance was published on October 7, 2000.

Ms. Eileen Helfer, President of Harbor Haven, stated that this condominium was located behind Beach Place. Its residents had endured the lights from Beach Place shining into their apartments for the past 2-1/2 years, and they strongly supported this ordinance.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-00-65

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-20, PARKING AND LOADING REQUIREMENTS, TO REVISE THE LEVEL OF LIGHTING FOR PARKING FACILITIES, TO RESTRICT GLARE AND ILLUMINATION ONTO RESIDENTIALLY USED PROPERTIES, TO PROVIDE FOR AMORTIZATION AND TO REVISE OTHER SECTIONS OF THE ULDR FOR CONSISTENCY WITH THE REVISIONS TO SECTION 47-20; AND AMENDING SECTION 47-20.5, GENERAL DESIGN OF PARKING FACILITIES TO PROVIDE WIDTHS FOR ACCESS DRIVES AND TO DELETE A REQUIREMENT FOR A TURNAROUND AREA FOR LOTS WITH 10 SPACES OR LESS.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

At 9 :08 P.M., Commissioner Hutchinson returned to the meeting.

**Amend ULDR Section 47-5.60 –
Residential Office Zoning Districts (PZ Case No. 5-T-00) (O-9)**

An ordinance was presented amending the Unified Land Development Regulations (ULDR) of the City, amending Section 47-5.60, "Residential Office Zoning Districts," to revise the regulations for yards, maximum floor area, lot coverage, signs, and height of structures in an ROA zoning district. This application was approved at the May 17, 2000 Planning and Zoning Board regular meeting by a vote of 7 to 2. Notice of the proposed ordinance was published on October 7, 2000.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-00-66

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-5.60, RESIDENTIAL OFFICE ZONING DISTRICTS, TO REVISE THE REGULATIONS FOR YARDS, MAXIMUM FLOOR AREA, LOT COVERAGE, SIGNS AND HEIGHT OF STRUCTURES IN AN ROA ZONING DISTRICT.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Transfer from General Fund

Contingencies and Joint Participation Agreement (JPA) –

Florida Department of Transportation (FDOT) - Improvements to the

East Side Underdeck Area – E. Clay Shaw Bridge

(Southeast 17th Street Causeway) (R-1)

A resolution was presented authorizing the proper City officials to execute a JPA with FDOT for its design and construction of parking and park-like amenities under the east side of the E. Clay Shaw Bridge located on the Southeast 17th Street Causeway (Commodore Brook Memorial Causeway). (Also see Item M-23 on this Agenda).

Funds: Transfer \$125,000 from General Fund Contingencies (FD001, Subobject 9950) to Parks Maintenance (PKR060301, Subobject 3237).

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 00-149

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A JOINT PARTICIPATION AGREEMENT AND MEMORANDUM OF AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, PROVIDING FOR THE PARTIAL FUNDING, DESIGN AND COORDINATION OF IMPROVEMENTS TO THE EAST SIDE UNDERDECK AREA OF THE E. CLAY SHAW BRIDGE.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Transfer of General Fund Contingencies – Direct Cash Tax Refund

Agreement and Qualified Target Industry (QTI) Incentive Program –

MARS, Inc. (R-2)

A resolution was presented authorizing the City's participation with Broward County in the Qualified Target Industry (QTI) Incentive Program and a Direct Cash Tax Refund Agreement with MARS, Inc. and authorizing the transfer of \$45,833 from General Fund Contingencies to Economic Development account PED030101-4299 (Other Contributions).

Funds: Transfer \$45,833 from General Fund Contingencies to PED030301-4299 (Other Contributions).

Commissioner Moore inquired about the types and number of local jobs to be generated. Mr. Pete Witschen, Assistant City Manager, stated that this incentive program would relocate about 250 jobs primarily located in New York City now. He advised that these would be new jobs in Fort Lauderdale.

Ms. Debbie Orshefsky, Attorney representing MARS, Inc., said this was a huge opportunity for the City of Fort Lauderdale. She explained that MARS, Inc. had opened about 5 years ago and currently employed about 200 people. It was a music and recording superstore, with the national headquarters in Fort Lauderdale, and the company was now about 44 stores strong. Ms. Orshefsky stated that the company had expanded its operation from retail to an e-commerce unit, and many of the 250 expansion jobs proposed over the next two years were in high-tech and Internet technology types of jobs. There were also marketing and management positions, and these would be new hires. Ms. Orshefsky stated that the company was anxious to attract both local people looking for these high-tech, high paying jobs, as well as people from other areas because there were more jobs than there were qualified people in this field.

Commissioner Moore noted that various schools and organizations were supported by this company. He wondered what support meant in this context. Ms. Orshefsky stated that various activities were supported, particularly relating to the music industry. Commissioner Moore was surprised that Americas Band was not being supported as one of the largest music institutions in the country. Ms. Orshefsky said she could have the marketing personnel discuss the subject with Commissioner Moore and advised that the company had a large educational component.

Commissioner Moore asked how recruitment was handled. *Ms. Deborah Sheheen*, Finance Director for MARS, Inc., stated that recruitment was handled by a department of 10 people recruiting from 22 states and through its web site. Commissioner Moore inquired about diversity in the company. Ms. Sheheen said she could provide a report about the management personnel of African descent. Commissioner Smith asked if there were any other women in high positions, and Ms. Sheheen replied that the Director of People (human resources) was a female.

Commissioner Moore explained that the Americas Band was from FAMU, and he would love to see this company make some inroads in that respect. He thought it would also be a good recruiting opportunity for the company. Ms. Sheheen said she could have the marketing personnel look into it, and Commissioner Moore added that its business school had been rated the top in the country in 1998.

Commissioner Katz stated that this company was currently in her district, and she was impressed with this whole project after a recent tour. She complimented this company on the financial information provided and hoped others seeking this incentive in the future would provide similar data. Commissioner Smith hoped the company could encourage its new hires to consider homes in Fort Lauderdale because so many people overlooked it and immediately moved to the western part of Broward County.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-150

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING THE QUALIFIED TARGET INDUSTRY (QTI) TAX INCENTIVE PROGRAM APPLICATION FOR MARS, INC., PURSUANT TO SECTION 208.106, FLORIDA STATUTES FOR EXPANSION OF ITS BUSINESS INTO THE CITY OF FORT LAUDERDALE; PROVIDING AUTHORIZATION TO SHARE THE STATE REQUIRED LOCAL GOVERNMENT PARTICIPATION AMOUNT WITH BROWARD COUNTY. _____

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Intent to Lease Property –

Castillo Grand Hotel Development Ingress/Egress Easement (R-3)

A resolution was presented authorizing the lease of City-owned lands to provide ingress and egress to the west service entrances of the proposed Castillo Grand Hotel development from southbound State Road A-1-A; authorizing a rent obligation by the developer to construct specified improvements at five (5) corner parcels owned by the City and on Castillo Street, and to provide for the perpetual operation and maintenance of said improvements; and, further authorizing a public hearing be held on December 5, 2000 for the City Commission to consider granting authorization to negotiate a lease. (Also see Item M-21 on this Agenda).

Commissioner Katz said she had been told that this was not the original plan. *Mr. Ron Mastriana*, Attorney, stated that this was the same site plan originally approved.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-151

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING THAT CERTAIN LANDS, WITH A STREET ADDRESS OF 3000 CASTILLO STREET, FORT LAUDERDALE, AND MORE PARTICULARLY DESCRIBED BELOW, ARE NOT PRESENTLY NEEDED BY THE CITY FOR GOVERNMENTAL PURPOSES, AND DECLARING THE INTENTION OF THE CITY COMMISSION TO OFFER SUCH LANDS FOR LEASE UNDER COMPETITIVE CONDITIONS, UPON CERTAIN TERMS AND CONDITIONS AND IN ACCORDANCE WITH SECTION 8.09 OF THE CITY CHARTER; AND FURTHER DIRECTING THE CITY CLERK TO PUBLISH PUBLIC NOTICES REGARDING THE OFFERING OF SUCH LANDS FOR LEASE. _____

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

**Site Plan Review – RAC-CC – Sea Ranch
Properties, L.C. – Las Olas River Residences (PZ Case No. 65-R-00)(R-4)**

At the Development Review Committee meeting of June 13, 2000, the following development was reviewed. On September 26, 2000, the City Commission deferred consideration of this item to October 17, 2000 by a vote of 4 to 0.

Applicant: Sea Ranch Properties, L.C.
Request: Site plan review – RAC-CC
Location: East of Southeast 3rd Avenue, south of Southeast 4th Street, north of New River

Having affirmed to speak only the truth by virtue of an oath administered by the City Clerk, the following individuals offered comment on this item:

Mr. Robert Lochrie, Attorney representing the applicant, stated that this site plan involved a 537-unit residential project in the downtown area just north of the New River. He said that a great deal of time had already been spent as to the overall project, but there had been some significant changes made as a result of discussion with the Commission. Mr. Lochrie recalled that a concern had been expressed about the height of the building as it compared to other buildings in the downtown area. A second issue had involved the overall mass of the building, and a third related to pedestrian interaction with the project.

Mr. Lochrie advised that the height of the buildings had been reduced, and plans at the ground level had been modified to make them more pedestrian friendly. In fact, some retail components had been added. Mr. Lochrie stated that the eastern tower had been reduced in height by 40', and the tower on the west side had been lowered by 10 stories or 100'. In addition, a significant curve to the building had been added, and the mass of this western building had been changed to distinguish it from the other building. Mr. Lochrie explained there would be an architectural difference between the two buildings although they would complement one another.

Mr. Lochrie reported that the garage serving the New River Club building had been reduced from 6 stories to 4 stories, and he displayed the site plan to show the new curve. He advised that the most significant changes involved the building heights, and he displayed a graphic to illustrate the modifications. Mr. Lochrie said significant changes had also been made at the pedestrian level along North New River Drive. The Commission had expressed concern about the height of the fences surrounding the property, so the 6' to 8' high fence had been removed completely from the Las Olas Grand Tower and from the New River Club. He noted that some decorative fencing remained along the townhomes, but the height had been reduced to 4'.

Mr. Lochrie pointed out some water features that had been added, and a more open expanse was proposed with water tumbling down from the second story and a fountain. He noted that the garage had been pulled back further, but the project still exceeded all setback requirements. Mr. Lochrie advised that a pedestrian area and patio would serve a café at the northeast corner of the property, which would serve drinks, sandwiches and ice cream. He noted there would be seating inside and outside, and some pedestrian pavers had been added to green spaces.

Commissioner Hutchinson inquired about the existing oak trees. Mr. Lochrie said the existing oak trees would be retained to the extent possible, and the sidewalk would meander around the trees. He added that there were also many trees within the site itself that would also be saved, and some would be relocated to other locations along the Riverwalk or in other City parks. Mr. Lochrie described various other elements of the project, including a retail “emporium” for light snacks, coffee, etc., with internal and external seating. He noted that various members of the development team were available to answer any questions.

Commissioner Katz complimented the developer for taking the Commission’s concerns to heart and presenting significant changes. She believed 98% of those concerns had been addressed. However, she still had a concern about the adequacy of the retail component. She wondered if a retail component could be added to the southwestern part of the Las Olas Grand building, such as an art gallery or jewelry store. Mr. Lochrie distributed copies of the floor plan. He explained that as narrow a building as possible, and there was only about 12,000 square feet at the ground level. Mr. Lochrie said the transformer at the northeast corner had been moved back into the garage to accommodate the retail component in that location, but that same flexibility did not exist at the other end of the project due to the necessary drive aisle. He also felt elimination of the grand lobby would seriously detract from the project. From a marketing standpoint, Mr. Lochrie thought it would be extremely difficult to keep a tenant in the suggested location. However, different types of kiosks might be successful.

Commissioner Katz hoped the developer would be flexible because she wanted to explore the possibility of either vacating or making North New River Drive a one-way street with expansion of the sidewalk. Mr. Lochrie was sure the developer would be more than willing to work with the City.

Mr. Art Seitz had read that the population of Florida would double by the year 2015, and there would be more and more traffic and congestion. He felt that when there was a project that contributed to this congestion, there should be some mitigation or impact fee to promote and plan a grid for bicycles and pedestrians.

Mayor Naugle requested a show of hands from those people who were present in support of the project. Commissioner Katz wished to hear from Mr. Palmer about his willingness to cooperate with the City in terms of expanding Riverwalk.

Mr. Charles Palmer stated that he would more than happy to cooperate with City officials on appropriate changes to enhance Riverwalk. Commissioner Hutchinson thanked Mr. Palmer for heeding the Commission’s suggestion, and she understood a traffic study would be undertaken with regard to a possible traffic signal. If it turned out that the traffic signal was not needed, she asked Mr. Palmer if he would be willing to use the \$100,000 instead toward some sort of transit project. Mr. Palmer replied that he fully expected to have to spend that money for some type of traffic improvement.

Mayor Naugle noted that there was one parcel zoned H-1 located nearby. He asked how far this project was from that parcel. Mr. Chris Barton, Construction Services, replied that it was across the 50’ right-of-way of Southeast 5th Avenue and about 180’ across the Hyde Park site. Mayor Naugle believed setbacks of half the height of a building had been required in the H-1, and it appeared this building was set back quite a distance from the H-1 parcel. Mr. Barton believed it was some 230’ away.

Commissioner Smith wondered if Mr. Palmer would help raise money for the future park on the Hyde Park site since it would be so beneficial to this project. Mr. Palmer replied that he was committed to help raising money for that project. Commissioner Moore asked Mr. Palmer if he believed there was no way to add any more retail to the project. Mr. Palmer replied that the subject had been thoroughly researched, and the eastern end was really the only possible location for retail uses. However, kiosks were a possibility, along with retail uses along the water to serve or on boats. Mr. Palmer said he was interested in working with anyone to enhance Riverwalk, but he did not want to put retail uses in areas where it would not make sense.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-152

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A DEVELOPMENT PLAN TO DEVELOP RESIDENTIAL STRUCTURES ON THE NEW RIVER, LOCATED EAST OF S.E. 3RD AVENUE, SOUTH OF S.E. 4TH STREET ON NORTH NEW RIVER DRIVE, FORT LAUDERDALE, FLORIDA IN A RAC-CC ZONING DISTRICT.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Vacate Utility Easement –
Florida Department of Transportation (FDOT) (Case No. 2-M-00) (R-5)

A resolution was presented authorizing the vacation of the following utility easement:

Applicant: FDOT
Request: Vacate utility easement
Location: 6000 North Andrews Avenue

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-153

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING ALL OF THAT CERTAIN UTILITY EASEMENT OF VARYING WIDTH, LYING IN PARCEL "A", "CYPRESS CREEK CENTER", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 104, PAGE 13, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; LESS AND EXCEPT THAT 15.00 FOOT WIDE PORTION OF SAID EASEMENT, LYING SOUTH OF A LINE PARALLEL WITH AND 162.37 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES, THE SOUTH LINE OF SAID PARCEL "A", LOCATED AT THE INTERSECTION OF CYPRESS CREEK ROAD WITH NORTH ANDREWS AVENUE, SOUTH OF CYPRESS CREEK ROAD AND EAST OF NORTH ANDREWS AVENUE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING BOARD MEMBERS AS SET FORTH IN THE EXHIBIT ATTACHED HERETO AND MADE A PART HEREOF.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Prior to adjournment, Commissioner Moore announced that he intended to run for the seat on the City Commission.

At 9:53 P.M., Mayor Naugle adjourned the meeting.

Jim Naugle
Mayor

ATTEST:

Lucy Masliah
City Clerk